



Docket No.: 281573US0PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/565,209

Applicants: Bernd HEIDA

Filing Date: January 20, 2006

For: METHOD FOR THE SEPARATION OF A CRUDE C4
CUT

Group Art Unit: 1764

Examiner:

SIR:

Attached hereto for filing are the following papers:

Letter

English Translation of International Preliminary Examination Report

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
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DOCKET NO: 28573US0PC

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
BERND HEIDA :
SERIAL NO: 10/565,209 :
FILED: JANUARY 20, 2006 : GROUP ART UNIT: 1764
FOR: METHOD FOR THE SEPARATION :
OF A CRUDE C4 CUT

LETTER

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants wish to make of record the attached English translation of the International Preliminary Report on Patentability. Copies of the references listed therein were filed on January 20, 2006.

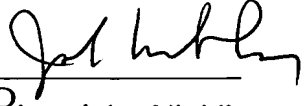
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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B03/0453PC	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/008192	International filing date (day/month/year) 22.07.2004	Priority date (day/month/year) 24.07.2003
International Patent Classification (IPC) or national classification and IPC C07C7/08, C07C11/16		
Applicant BASF AKTIENGESELLSCHAFT		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/008192

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-10 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-8 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/008192

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>The application relates to a process for continuously separating a C₄ cut by extractive distillation with a selective solvent, the crude C₄ cut being supplied to a first extractive distillation column (K1) and a side stream in the vapour phase which contains C₄-acetylenes, as well as 1,3-butadiene, 1,2-butadiene, C₅-hydrocarbons and a selective solvent, is extracted from the column below the supply of crude C₄ cut, the concentration of C₄-acetylenes in the side stream in the vapour phase lying below the spontaneous decomposition threshold of the same. Also extracted is a head stream which contains the crude C₄ cut components which are less soluble in the selective solvent than C₄-acetylenes (claims 1-8).</p> <p>D1: WO 2004 011 406 (P document) D2: DE 100 22 465, cited in the application D3: EP 0 284 971</p> <p>1. <u>Novelty - PCT Article 33(2)</u></p> <p>D1 discloses a process for continuously extracting crude 1,3-butadiene from a C₄ cut by extractive distillation with a selective solvent, butene and butane being</p>			

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

extracted as two separate head streams, not in a common head stream as in the present application.

A process for continuously separating 1,3-butadiene is also known from **D2-D3**, in which the crude C₄ cut is supplied in the central region of the extractive distillation column, the solvent is supplied above the crude C₄ cut, and a side stream and head stream are extracted. In **D2**, additional selective hydrogenation on a heterogeneous catalyst is required. In **D3**, the crude 1,3-butadiene is purified in two interconnected distillation columns.

Since neither **D2** nor **D3** disclose front end acetylene precipitation, i.e. side stream (3), the subject matter of claim 1 is considered novel.

2. Inventive step - PCT Article 33(3)

D2 is regarded as the closest prior art. The process as per claim 1 differs from **D2** in that it relates to front end acetylene precipitation, instead of heterogeneous catalytic selective hydrogenation. The object of the invention is to devise a simple and economic process for separating a C₄ cut by extractive distillation into separate 1,3-butadiene, butene and butane streams, thus reducing or eliminating the problems caused by acetylenes in thermal treatment processes. This object is attained by the process as per claim 1 in that acetylenes are separated during the C₄ cut extractive distillation process already, i.e. during the so-called front end process.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/008192

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Acetylenes are the main causes of machine fouling in C₄ cut thermal separation processes and are susceptible to spontaneous decomposition in wide concentration ranges. For this reason, their removal is critical. **D3** describes the processing of a C₄ cut by extractive distillation with a selective solvent, associated with distillative purification, the resultant crude 1,3-butadiene being distilled in two interconnected distillation columns. **D2** describes the processing of a C₄ cut by extractive distillation and heterogeneous catalytic selective hydrogenation, associated with distillative purification. Consequently, there is no indication in the prior art of acetylene front end precipitation in a process for separating a crude C₄ cut by extractive distillation with a selective solvent. The proposed solution avoids the need to carry out heterogeneous catalytic selective hydrogenation and its costly disadvantages (see page 3, lines 11-22, of the description). The claimed process therefore involves an inventive step.